

JS 44 (Rev. 12/12)

**CIVIL COVER SHEET**

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

**I. (a) PLAINTIFFS**

Jermaine Moore

**DEFENDANTS**

City of Phila., J. Delaney, L. Giorla, J. Grundy, M. Billups, D. Ortiz, D. Bynum, M. Capers, J. Palmer, III, E. Marin, C. White

(b) County of Residence of First Listed Plaintiff Philadelphia

(EXCEPT IN U.S. PLAINTIFF CASES)

County of Residence of First Listed Defendant Philadelphia

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

(c) Attorneys (Firm Name, Address, and Telephone Number)

Rania Major, P.C. - 2915 North 15th St., Phila., PA 19133 - 215-291-5009

Attorneys (If Known)

Dimitrios Mavroudis

**II. BASIS OF JURISDICTION** (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

**III. CITIZENSHIP OF PRINCIPAL PARTIES** (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- |   | PTF                        | DEF                        |   | PTF                        | DEF                        |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State                   | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State     | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State                | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation  | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

**IV. NATURE OF SUIT** (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER/STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<b>PERSONAL INJURY</b> <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
<b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>CIVIL RIGHTS</b> <input checked="" type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	<b>PRISONER PETITIONS</b> <b>Habeas Corpus:</b> <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <b>Other:</b> <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement	<input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions		

**V. ORIGIN** (Place an "X" in One Box Only)

- ☐ 1 Original Proceeding
- ☒ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from Another District (specify)
- ☐ 6 Multidistrict Litigation

**VI. CAUSE OF ACTION**

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

42 U.S.C. Sec 1983

Brief description of cause:

Civil Rights Violation under 42 U.S.C. Sec. 1983

**VII. REQUESTED IN COMPLAINT:**
☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☐ No**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

**IN THE UNITED STATES DISTRICT COURT FOR  
THE EASTERN DISTRICT OF PENNSYLVANIA**

**Jermaine Moore**  
**SCI Dallas**  
**1000 Follies Road**  
**Dallas, PA 18612**

**Plaintiff**

**Civil Action**

**NO: \_\_\_\_\_**

**V.**

**City of Philadelphia**  
**c/o Law Department**  
**One Parkway Building**  
**1515 Arch Street, 14<sup>th</sup> Floor**  
**Philadelphia, PA 19102**

**and**

**John P. Delaney, Individually as**  
**An agent, servant worker and employee**  
**of the City of Philadelphia in the capacity**  
**of Warden of the Curran-Fromhold**  
**Correctional Facility**  
**1515 Arch Street, 14<sup>th</sup> Floor**  
**Philadelphia, PA 19102**

**and**

**Louis Giorla, Individually**  
**As an agent, servant worker and employee**  
**Of the City of Philadelphia in the capacity**  
**Of Commissioner of the**  
**Philadelphia Prison System**  
**1515 Arch Street, 14<sup>th</sup> Floor**  
**Philadelphia, PA 19102**

**and**

**Jason Grundy, Individually and**  
**as an agent, servant worker and employee**  
**of the City of Philadelphia in the capacity**  
**of a Correctional Officer for the Philadelphia**  
**Prison System**  
**1515 Arch Street, 14<sup>th</sup> Floor**  
**Philadelphia, PA 19102**

**and**

**Majovie Billups, Individually and as**  
**An agent, servant worker and employee**  
**of the City of Philadelphia in the capacity**  
**of a Correctional Officer for the Philadelphia**  
**Prison System**  
**1515 Arch Street, 14<sup>th</sup> Floor**  
**Philadelphia, PA 19102**

**and**

**Daisy Ortiz, Individually and as**  
**an agent, servant worker and employee**  
**of the City of Philadelphia in the capacity**  
**of a Correctional Officer for the Philadelphia**  
**Prison System**

**Formerly**

**Court of Common Pleas**  
**Philadelphia County**  
**Trial Division – Civil**  
**April Term 2013**  
**No. 002207**

1515 Arch Street, 14<sup>th</sup> Floor  
Philadelphia, PA 19102

and

Donovan Bynum, Individually and  
As an agent, servant worker and employee  
of the City of Philadelphia in the capacity  
of a Correctional Officer for the  
Philadelphia Prison System  
1515 Arch Street, 14<sup>th</sup> Floor  
Philadelphia, PA 19102

and

Michael Capers, Individually and as  
an agent, servant worker and employee  
of the City of Philadelphia in the capacity  
of a Correctional Officer for the Philadelphia  
Prison System  
1515 Arch Street, 14<sup>th</sup> Floor  
Philadelphia, PA 19102

and

James Palmer III, Individually and as  
an agent, servant worker and employee  
of the City of Philadelphia in the capacity  
of a Correctional Officer for the Philadelphia  
Prison System  
1515 Arch Street, 14<sup>th</sup> Floor  
Philadelphia, PA 19102

and

Enrique Marin, Individually and as  
an agent, servant worker and employee  
of the City of Philadelphia in the capacity  
of a Correctional Officer for the Philadelphia  
Prison System  
1515 Arch Street, 14<sup>th</sup> Floor  
Philadelphia, PA 19102

and

Carlos White, Individually and as  
an agent, servant worker and employee  
of the City of Philadelphia in the capacity  
of a Correctional Officer for the Philadelphia  
Prison System  
1515 Arch Street, 14<sup>th</sup> Floor  
Philadelphia, PA 19102

**Defendants**

**NOTICE OF REMOVAL**

**To the Honorable Judges of the United States District Court for the Eastern District of Pennsylvania.**

Pursuant to 28 U.S.C. § 1441, defendants, John P. Delaney, Louis Giorla, Jason Grundy, Majovie Billups, Daisy Ortiz, Donovan Bynum, Michael Capers, James Palmer, III, Enrique

Marin, Carlos White and the City of Philadelphia (hereinafter "petitioners") through their counsel, Dimitrios Mavroudis, Assistant City Solicitor, respectfully petition for the removal of this action to the United States District Court for the Eastern District of Pennsylvania. In support thereof, defendants state the following:

1. In April 2013, plaintiff initiated this action by a Complaint in the Court of Common Pleas in Philadelphia, April 2013, No. 002207. (Exhibit A - Complaint).

2. On December 17, 2013, said Complaint was served on Petitioners at 1515 Arch Street, 14th Floor, Philadelphia, Pennsylvania.

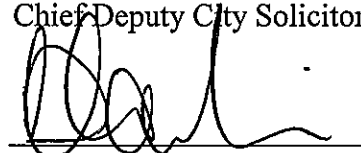
3. Plaintiff alleges that on April 14, 2011, he sustained damages when his civil rights were violated by the defendants. (Exhibit A ).

4. This action may be removed to this Court pursuant to 28 U.S.C. § 1441 since Plaintiff's Complaint contains allegations of violations of the plaintiff's Federal Civil Rights and seeks relief under 42 U.S.C. § 1983. (Exhibit A)

**Wherefore**, petitioners, John P. Delaney, Louis Giorla, Jason Grundy, Majovie Billups, Daisy Ortiz, Donovan Bynum, Michael Capers, James Palmer, III, Enrique Marin, Carlos White and the City of Philadelphia, respectfully request that the captioned Complaint be removed to the United States District Court for the Eastern District of Pennsylvania.

Respectfully submitted,

Craig Straw  
Chief Deputy City Solicitor



**DIMITRIOS MAVROUDIS**

**Assistant City Solicitor**

**Attorney I.D. No. 93773**

1515 Arch Street, 14<sup>th</sup> Floor

Philadelphia, PA 19102

215-683-5444

Date: 1/9/14

IN THE UNITED STATES DISTRICT COURT FOR  
THE EASTERN DISTRICT OF PENNSYLVANIA

Jermaine Moore  
SCI Dallas  
1000 Follies Road  
Dallas, PA 18612

Plaintiff

Civil Action

NO: \_\_\_\_\_

V.

City of Philadelphia  
c/o Law Department  
One Parkway Building  
1515 Arch Street, 14<sup>th</sup> Floor  
Philadelphia, PA 19102

and

John P. Delaney, Individually as  
An agent, servant worker and employee  
of the City of Philadelphia in the capacity  
of Warden of the Curran-Fromhold  
Correctional Facility  
1515 Arch Street, 14<sup>th</sup> Floor  
Philadelphia, PA 19102

and

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As an agent, servant worker and employee  
Of the City of Philadelphia in the capacity  
Of Commissioner of the  
Philadelphia Prison System  
1515 Arch Street, 14<sup>th</sup> Floor  
Philadelphia, PA 19102

and

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Prison System  
1515 Arch Street, 14<sup>th</sup> Floor  
Philadelphia, PA 19102

and

Majovie Billups, Individually and as  
An agent, servant worker and employee  
of the City of Philadelphia in the capacity  
of a Correctional Officer for the Philadelphia  
Prison System  
1515 Arch Street, 14<sup>th</sup> Floor  
Philadelphia, PA 19102

and

Daisy Ortiz, Individually and as  
an agent, servant worker and employee  
of the City of Philadelphia in the capacity

Formerly

Court of Common Pleas  
Philadelphia County  
Trial Division – Civil  
April Term 2013  
No. 002207

of a Correctional Officer for the Philadelphia  
Prison System  
1515 Arch Street, 14<sup>th</sup> Floor  
Philadelphia, PA 19102

and

Donovan Bynum, Individually and  
As an agent, servant worker and employee  
of the City of Philadelphia in the capacity  
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Philadelphia, PA 19102

and

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Philadelphia, PA 19102

and

Enrique Marin, Individually and as  
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and

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of the City of Philadelphia in the capacity  
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Prison System  
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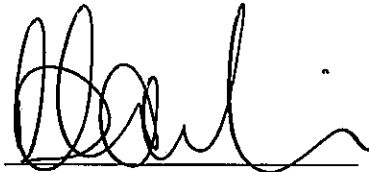
**Defendants**

**NOTICE OF FILING OF REMOVAL**

TO: Rania Major, P.C.  
2915 North 5<sup>th</sup> Street  
Philadelphia, PA 19133

PLEASE TAKE NOTICE THAT on January 9, 2014, defendants, John P. Delaney, Louis Giorla, Jason Grundy, Majovie Billups, Daisy Ortiz, Donovan Bynum, Michael Capers, James Palmer, III, Enrique Marin, Carlos White and the City of Philadelphia filed, in the office of the Clerk of the United States District Court for the Eastern District of Pennsylvania a verified Notice of Removal.

A copy of this Notice of Removal is attached hereto and is also being filed with the Clerk of the Court of Common Pleas of Philadelphia County, pursuant to Title 28, United States Code, Section 1446(e).

A handwritten signature in black ink, appearing to read 'DM', is written over a horizontal line.

**DIMITRIOS MAVROUDIS**

**Assistant City Solicitor**

**Attorney I.D. No. 93773**

City of Philadelphia Law Department

1515 Arch Street, 14<sup>th</sup> Floor

Philadelphia, PA 19102

215-683-5444

**IN THE UNITED STATES DISTRICT COURT FOR  
THE EASTERN DISTRICT OF PENNSYLVANIA**

**Jermaine Moore**  
**SCI Dallas**  
**1000 Follies Road**  
**Dallas, PA 18612**

**Plaintiff**

**Civil Action**

**NO: \_\_\_\_\_**

**V.**

**City of Philadelphia**  
**c/o Law Department**  
**One Parkway Building**  
**1515 Arch Street, 14<sup>th</sup> Floor**  
**Philadelphia, PA 19102**

**and**

**John P. Delaney, Individually as**  
**An agent, servant worker and employee**  
**of the City of Philadelphia in the capacity**  
**of Warden of the Curran-Fromhold**  
**Correctional Facility**  
**1515 Arch Street, 14<sup>th</sup> Floor**  
**Philadelphia, PA 19102**

**and**

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**As an agent, servant worker and employee**  
**Of the City of Philadelphia in the capacity**  
**Of Commissioner of the**  
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**Philadelphia, PA 19102**

**and**

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**of the City of Philadelphia in the capacity**  
**of a Correctional Officer for the Philadelphia**  
**Prison System**  
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**Philadelphia, PA 19102**

**and**

**Majovie Billups, Individually and as**  
**An agent, servant worker and employee**  
**of the City of Philadelphia in the capacity**  
**of a Correctional Officer for the Philadelphia**  
**Prison System**  
**1515 Arch Street, 14<sup>th</sup> Floor**  
**Philadelphia, PA 19102**

**and**

**Daisy Ortiz, Individually and as**  
**an agent, servant worker and employee**  
**of the City of Philadelphia in the capacity**  
**of a Correctional Officer for the Philadelphia**

**Formerly**

**Court of Common Pleas**  
**Philadelphia County**  
**Trial Division – Civil**  
**April Term 2013**  
**No. 002207**



Prison System  
1515 Arch Street, 14<sup>th</sup> Floor  
Philadelphia, PA 19102  
and

Donovan Bynum, Individually and  
As an agent, servant worker and employee  
of the City of Philadelphia in the capacity  
of a Correctional Officer for the  
Philadelphia Prison System  
1515 Arch Street, 14<sup>th</sup> Floor  
Philadelphia, PA 19102  
and

Michael Capers, Individually and as  
an agent, servant worker and employee  
of the City of Philadelphia in the capacity  
of a Correctional Officer for the Philadelphia  
Prison System  
1515 Arch Street, 14<sup>th</sup> Floor  
Philadelphia, PA 19102  
and

James Palmer III, Individually and as  
an agent, servant worker and employee  
of the City of Philadelphia in the capacity  
of a Correctional Officer for the Philadelphia  
Prison System  
1515 Arch Street, 14<sup>th</sup> Floor  
Philadelphia, PA 19102  
and

Enrique Marin, Individually and as  
an agent, servant worker and employee  
of the City of Philadelphia in the capacity  
of a Correctional Officer for the Philadelphia  
Prison System  
1515 Arch Street, 14<sup>th</sup> Floor  
Philadelphia, PA 19102  
and

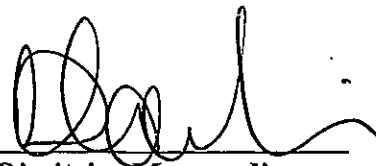
Carlos White, Individually and as  
an agent, servant worker and employee  
of the City of Philadelphia in the capacity  
of a Correctional Officer for the Philadelphia  
Prison System  
1515 Arch Street, 14<sup>th</sup> Floor  
Philadelphia, PA 19102

Defendants

**CERTIFICATE OF SERVICE**

I, Dimitrios Mavroudis, Assistant City Solicitor, do hereby certify that a true and correct copy of the attached Notice of Removal has been served upon the following by First Class Mail, postpaid, on the date indicated below:

TO: Rania Major, P.C.  
2915 North 5<sup>th</sup> Street  
Philadelphia, PA 19133

A handwritten signature in black ink, appearing to read 'Dimitrios Mavroudis', written over a horizontal line.

**Dimitrios Mavroudis**  
**Assistant City Solicitor**  
City of Philadelphia Law Department  
1515 Arch Street, 14<sup>th</sup> Floor  
Philadelphia, PA 19102  
215-683-5444

Date: 1/9/14

## Exhibit "A"

57463 B

**RANIA MAJOR, P.C.**

Rania Major, Esquire  
 2915 North 5<sup>th</sup> Street  
 Philadelphia, PA 19133  
 Atty. Id. #51298  
 (215) 291-5009

THIS IS AN ARBITRATION MATTER  
 ASSESSMENT OF DAMAGES  
 REQUIRED.



ATTORNEY FOR PLAINTIFF

JERMAINE MOORE  
 SCI Dallas  
 1000 Follies Road  
 Dallas, PA 18612

Plaintiff

vs.

CITY OF PHILADELPHIA ✓  
 c/o Law Department  
 One Parkway Building  
 1515 Arch Street, 14<sup>th</sup> Floor  
 Philadelphia, PA 19102

and

JOHN P. DELANEY, Individually ✓  
 an agent, servant worker and employee  
 of the City of Philadelphia in the capacity  
 of Warden of the Curran-Fromhold  
 Correctional Facility  
 1515 Arch Street, 14<sup>th</sup> Floor  
 Philadelphia, PA 19102

and

LOUIS GIORLA, Individually ✓  
 as an agent, servant worker and employee  
 of the City of Philadelphia in the capacity  
 of Commissioner of the  
 Philadelphia Prison System  
 1515 Arch Street, 14<sup>th</sup> Floor  
 Philadelphia, PA 19102

and

COURT OF COMMON PLEAS  
 PHILADELPHIA COUNTY

APRIL TERM, 2013

NO. 2207

JASON GRUNDY, Individually and ✓ :  
as an agent, servant worker and employee :  
of the City of Philadelphia in the capacity :  
of a Correctional Officer for the :  
Philadelphia Prison System :  
1515 Arch Street, 14th Floor :  
Philadelphia, PA 19102 :

and :

MAJOVIE BILLUPS, Individually and as ✓ :  
an agent, servant worker and employee :  
of the City of Philadelphia in the capacity :  
of a Correctional Officer for the Philadelphia: :  
Prison System :  
1515 Arch Street, 14<sup>th</sup> Floor :  
Philadelphia, PA 19102 :

and :

DAISY ORTIZ, Individually and as ✓ :  
an agent, servant worker and employee :  
of the City of Philadelphia in the capacity :  
of a Correctional Officer for the Philadelphia: :  
Prison System :  
1515 Arch Street, 14<sup>th</sup> Floor :  
Philadelphia, PA 19102 :

and :

DONOVAN BYNUM, Individually and ✓ :  
as an agent, servant worker and employee :  
of the City of Philadelphia in the capacity :  
of a Correctional Officer for the :  
Philadelphia Prison System :  
1515 Arch Street, 14th Floor :  
Philadelphia, PA 19102 :

and :

MICHAEL CAPERS, Individually and as ✓ :  
an agent, servant worker and employee :  
of the City of Philadelphia in the capacity :  
of a Correctional Officer for the Philadelphia: :  
Prison System :

1515 Arch Street, 14<sup>th</sup> Floor :  
Philadelphia, PA 19102 :

and :

JAMES PALMER III, Individually and as ✓ :  
an agent, servant worker and employee :  
of the City of Philadelphia in the capacity :  
of a Correctional Officer for the Philadelphia: :  
Prison System :  
1515 Arch Street, 14<sup>th</sup> Floor :  
Philadelphia, PA 19102 :

and :

ENRIQUE MARIN, Individually and as ✓ :  
an agent, servant worker and employee :  
of the City of Philadelphia in the capacity :  
of a Correctional Officer for the Philadelphia: :  
Prison System :  
1515 Arch Street, 14<sup>th</sup> Floor :  
Philadelphia, PA 19102 :

and :

CARLOS WHITE, Individually and as ✓ :  
an agent, servant worker and employee :  
of the City of Philadelphia in the capacity :  
of a Correctional Officer for the Philadelphia: :  
Prison System :  
1515 Arch Street, 14<sup>th</sup> Floor :  
Philadelphia, PA 19102 :

DEFENDANTS :

### NOTICE

You have been sued in Court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this complaint and notice are served, by entering a written appearance personally or by attorney and filing in writing with the court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the court without further notice for any money

claimed in the complaint or for any other claim or relief requested by the plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

AVISO

Le han demandado a usted en la corte. Si usted quiere defenderse de estas demandas expuestas en las paginas siguientes, usted tiene veinte (20) dias de plazo al partir de la fecha de la demanda y la notificacion. Hace falta asentar una comparecencia escrita o en persona o con un abogado y entregar a la corte en forma escrita sus defensas o sus objeciones a las demandas en contra de su persona. Sea avisado que si usted no se defiende, la corte tomara medidas y puede continuar la demanda en contra suya sin previo aviso o notificacion. Ademias, la corte puede decidir a favor del demandante y requiere que usted cumpla con todas las provisiones de esta demanda. Usted puede perder dinero o sus propiedades u otros derechos importantes para usted.

LLEVE ESTA DEMANDA A UN ABOGADO INMEDIATAMENTE. SI NO TIENE ABOGADO O SI NO TIENE EL DINERO SUFICIENTE DE PAGAR TAL SERVICIO, VAYA EN PERSONA O LLAME POR TELEFONO A LA OFICINA CUYA DIRECCION SE ENCUENTRA ESCRITA ABAJO PARA AVERIGUAR DONDE SE PUEDE CONSEGUIR ASISTENCIA LEGAL.

PHILADELPHIA COUNTY BAR ASSOCIATION  
LAWYER REFERRAL SERVICE  
1101 Market Street, 11<sup>th</sup> Floor  
Philadelphia, PA 19107  
(215) 238-6300

**RANIA MAJOR, P.C.**

Rania Major, Esquire  
2915 North 5<sup>th</sup> Street  
Philadelphia, PA 19133  
Atty. Id. #51298  
(215) 291-5009

**THIS IS AN ARBITRATION MATTER  
ASSESSMENT OF DAMAGES IS  
REQUIRED.**

ATTORNEY FOR PLAINTIFF

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JERMAINE MOORE  
SCI Dallas  
1000 Follies Road  
Dallas, PA 18612

Plaintiff

vs.

CITY OF PHILADELPHIA  
c/o Law Department  
One Parkway Building  
1515 Arch Street, 14<sup>th</sup> Floor  
Philadelphia, PA 19102

and

JOHN P. DELANEY, Individually as  
an agent, servant worker and employee  
of the City of Philadelphia in the capacity  
of Warden of the Curran-Fromhold  
Correctional Facility  
1515 Arch Street, 14<sup>th</sup> Floor  
Philadelphia, PA 19102

and

LOUIS GIORLA, Individually  
as an agent, servant worker and employee  
of the City of Philadelphia in the capacity  
of Commissioner of the  
Philadelphia Prison System  
1515 Arch Street, 14<sup>th</sup> Floor  
Philadelphia, PA 19102

and

COURT OF COMMON PLEAS  
PHILADELPHIA COUNTY

APRIL TERM, 2013

NO. 2207



JASON GRUNDY, Individually and :  
as an agent, servant worker and employee :  
of the City of Philadelphia in the capacity :  
of a Correctional Officer for the :  
Philadelphia Prison System :  
1515 Arch Street, 14th Floor :  
Philadelphia, PA 19102 :

and :

MAJOVIE BILLUPS, Individually and as :  
an agent, servant worker and employee :  
of the City of Philadelphia in the capacity :  
of a Correctional Officer for the Philadelphia: :  
Prison System :  
1515 Arch Street, 14<sup>th</sup> Floor :  
Philadelphia, PA 19102 :

and :

DAISY ORTIZ, Individually and as :  
an agent, servant worker and employee :  
of the City of Philadelphia in the capacity :  
of a Correctional Officer for the Philadelphia: :  
Prison System :  
1515 Arch Street, 14<sup>th</sup> Floor :  
Philadelphia, PA 19102 :

and :

DONOVAN BYNUM, Individually and :  
as an agent, servant worker and employee :  
of the City of Philadelphia in the capacity :  
of a Correctional Officer for the :  
Philadelphia Prison System :  
1515 Arch Street, 14th Floor :  
Philadelphia, PA 19102 :

and :

MICHAEL CAPERS, Individually and as :  
an agent, servant worker and employee :  
of the City of Philadelphia in the capacity :  
of a Correctional Officer for the Philadelphia: :  
Prison System :

1515 Arch Street, 14<sup>th</sup> Floor :  
Philadelphia, PA 19102 :

and :

JAMES PALMER III, Individually and as :  
an agent, servant worker and employee :  
of the City of Philadelphia in the capacity :  
of a Correctional Officer for the Philadelphia: :  
Prison System :  
1515 Arch Street, 14<sup>th</sup> Floor :  
Philadelphia, PA 19102 :

and :

ENRIQUE MARIN, Individually and as :  
an agent, servant worker and employee :  
of the City of Philadelphia in the capacity :  
of a Correctional Officer for the Philadelphia: :  
Prison System :  
1515 Arch Street, 14<sup>th</sup> Floor :  
Philadelphia, PA 19102 :

and :

CARLOS WHITE, Individually and as :  
an agent, servant worker and employee :  
of the City of Philadelphia in the capacity :  
of a Correctional Officer for the Philadelphia: :  
Prison System :  
1515 Arch Street, 14<sup>th</sup> Floor :  
Philadelphia, PA 19102 :

DEFENDANTS :

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**CIVIL ACTION COMPLAINT**

1. Plaintiff, Jermaine Moore, is an adult individual who is a citizen of the United States and who, at all times material and relevant hereto, was in custody in the Curran-Fromhold Correctional Facility, located at 7901 State Road, Philadelphia, Pennsylvania 19136, with a current physical residence at the above-captioned address.

2. Defendant, the City of Philadelphia (hereinafter "City"), at all relevant and material times hereto was a political subdivision and municipal corporation duly existing and organized under the laws of the Commonwealth of Pennsylvania, receiving federal and/or state funding, and with a regular business address as above-captioned.

3. Defendant, John P. Delaney (hereinafter "Delaney"), at all times relevant and material hereto acted individually and in his official capacity as an agent, servant, worker and employee of Defendant, City, as the Warden of the Curran-Fromhold Correctional Facility with a regular business address as above-captioned.

4. Defendant, Delaney, at all times relevant and material hereto, was acting within the course and scope of his employment and in furtherance of the business and affairs of Defendant, City, and was, among other responsibilities, responsible for ensuring the safety of inmates incarcerated in the Philadelphia Prison System, making and enforcing policies, practices, customs, and procedures within the prisons as well as providing for adequate training and supervision of correctional staff at the prisons. At all relevant and material times, this defendant acted under color of state law.

5. Defendant, Louis Giorla (hereinafter "Giorla"), at all times relevant and material hereto acted individually and in his official capacity as an agent, servant, worker and employee of Defendant, City, as the Commissioner of the Philadelphia Prison System with a regular business address as above-captioned.

6. Defendant, Giorla, at all times relevant and material hereto, was acting within the course and scope of his employment and in furtherance of the business and affairs of Defendant, City, and was, among other responsibilities, responsible for ensuring the safety of inmates incarcerated in the Philadelphia Prison System, making and enforcing

policies, practices, customs, and procedures within the prisons as well as providing for adequate training and supervision of correctional staff at the prisons. At all relevant and material times, this defendant acted under color of state law and authority and within the scope of his employment.

7. Defendant, Jason Grundy (hereinafter "Grundy"), at all times relevant and material hereto acted individually and in his official capacity as an agent, servant, worker and employee of Defendant, City, as a corrections officer within the Philadelphia Prison System with a regular business address as above-captioned.

8. Defendant, Grundy, at all times relevant and material hereto, was acting within the course and scope of his employment and in furtherance of the business and affairs of Defendant, City, as a correctional officer for the Philadelphia Prison System. At all times relevant and material hereto, said defendant acted under color of state law, within the course and scope of his employment, and pursuant to the policies, practices, customs, and procedures of Defendant, City, and the Philadelphia Prison System.

9. Defendant, Majovie Billups (hereinafter "Billups"), at all times relevant and material hereto, acted individually and in his official capacity as an agent, servant, worker and employee of Defendant, City, as a corrections officer within the Philadelphia Prison System with a regular business address as above-captioned.

10. Defendant, Billups, at all times relevant and material hereto, was acting within the course and scope of his employment and in furtherance of the business and affairs of Defendant, City, as a correctional officer for the Philadelphia Prison System. At all times relevant and material hereto, said defendant acted under color of state law, within the

course and scope of his employment, and pursuant to the policies, practices, customs, and procedures of Defendant, City, and the Philadelphia Prison System.

11. Defendant, Daisy Ortiz (hereinafter "Ortiz"), at all times relevant and material hereto acted individually and in her official capacity as an agent, servant, worker and employee of Defendant, City, as a corrections officer within the Philadelphia Prison System with a regular business address as above-captioned.

12. Defendant, Ortiz, at all times relevant and material hereto, was acting within the course and scope of her employment and in furtherance of the business and affairs of Defendant, City, as a correctional officer for the Philadelphia Prison System. At all times relevant and material hereto, said defendant acted under color of state law, within the course and scope of his employment, and pursuant to the policies, practices, customs, and procedures of Defendant, City, and the Philadelphia Prison System.

13. Defendant, Donovan Bynum (hereinafter "Bynum"), at all times relevant and material hereto acted individually and in his official capacity as an agent, servant, worker and employee of Defendant, City, as a corrections officer within the Philadelphia Prison System with a regular business address as above-captioned.

14. Defendant, Bynum, at all times relevant and material hereto, was acting within the course and scope of his employment and in furtherance of the business and affairs of Defendant, City, as a correctional officer for the Philadelphia Prison System. At all times relevant and material hereto, said defendant acted under color of state law, within the course and scope of his employment, and pursuant to the policies, practices, customs, and procedures of Defendant, City, and the Philadelphia Prison System.

15. Defendant, Michael Capers (hereinafter "Capers"), at all times relevant and material hereto acted individually and in his official capacity as an agent, servant, worker and employee of Defendant, City, as a corrections officer within the Philadelphia Prison System with a regular business address as above-captioned.

16. Defendant, Capers, at all times relevant and material hereto, was acting within the course and scope of his employment and in furtherance of the business and affairs of Defendant, City, as a correctional officer for the Philadelphia Prison System. At all times relevant and material hereto, said defendant acted under color of state law, within the course and scope of his employment, and pursuant to the policies, practices, customs, and procedures of Defendant, City, and the Philadelphia Prison System.

17. Defendant, James Palmer III (hereinafter "Palmer"), at all times relevant and material hereto acted individually and in his official capacity as an agent, servant, worker and employee of Defendant, City, as a corrections officer within the Philadelphia Prison System with a regular business address as above-captioned.

18. Defendant, Palmer, at all times relevant and material hereto, was acting within the course and scope of his employment and in furtherance of the business and affairs of Defendant, City, as a correctional officer for the Philadelphia Prison System. At all times relevant and material hereto, said defendant acted under color of state law, within the course and scope of his employment, and pursuant to the policies, practices, customs, and procedures of Defendant, City, and the Philadelphia Prison System.

19. Defendant, Enrique Marin (hereinafter "Marin"), at all times relevant and material hereto acted individually and in his official capacity as an agent, servant, worker and

employee of Defendant, City, as a corrections officer within the Philadelphia Prison System with a regular business address as above-captioned.

20. Defendant, Marin, at all times relevant and material hereto, was acting within the course and scope of his employment and in furtherance of the business and affairs of Defendant, City, as a correctional officer for the Philadelphia Prison System. At all times relevant and material hereto, said defendant acted under color of state law, within the course and scope of his employment, and pursuant to the policies, practices, customs, and procedures of Defendant, City, and the Philadelphia Prison System.

21. Defendant, Carlos White (hereinafter "White"), at all times relevant and material hereto acted individually and in his official capacity as an agent, servant, worker and employee of Defendant, City, as a corrections officer within the Philadelphia Prison System with a regular business address as above-captioned.

22. Defendant, White, at all times relevant and material hereto, was acting within the course and scope of his employment and in furtherance of the business and affairs of Defendant, City, as a correctional officer for the Philadelphia Prison System. At all times relevant and material hereto, said defendant acted under color of state law, within the course and scope of his employment, and pursuant to the policies, practices, customs, and procedures of Defendant, City, and the Philadelphia Prison System.

23. At all times relevant and material hereto, the defendants acted under color of law, while the individual defendants also acted in their capacities as prison guards and/or officials, although all such acts were beyond the scope of their lawful jurisdiction and authority. In addition, all individual Defendants also are sued in their individual capacities.

24. On or about April 14, 2011, the plaintiff was in custody at the Curran Fromhold Correctional Facility (hereinafter "CFCF").

25. At approximately 1:00 p.m. on April 14, 2011, in and about the receiving/intake areas of CFCF, Defendants Grundy, Billups, Ortiz, Bynum, Capers, Palmer, Marin, and White subjected plaintiff to unnecessary, unlawful and excessive force, including but not limited to choking the plaintiff, knocking the plaintiff down, dragging the plaintiff and kicking the plaintiff in the face and head, none of which was reasonably related to institutional security, maintaining or restoring discipline or order, or any other legitimate penological interest; and where said defendants' purpose was to harass, humiliate, degrade, and/or physically injure the plaintiff.

26. The use of force by the defendants was unjustified, unreasonable, unnecessary, malicious, sadistic, and excessive.

27. Prior to April 14, 2011, Defendants, City, Delaney, and Giorla, developed and maintained policies, practices and/or customs exhibiting deliberate indifference to the constitutional rights of persons within the Philadelphia Prison System and/or the Curran-Fromhold Correctional Facility, which caused the violation of the plaintiff's civil rights.

28. Beginning on or about April 14, 2011 and on an ongoing basis thereafter, Defendants Grundy, Billups, Ortiz, Bynum, Capers, Palmer, Marin, and White falsely and maliciously represented to the Philadelphia Police Department and the Philadelphia District Attorney's office that the plaintiff had committed aggravated and simple assault against them and recklessly endangered them, intentionally causing the plaintiff to be arrested on these charges on or about June 20, 2011 and to be prosecuted.



29. Plaintiff was acquitted of the charge of aggravated assault on or about January 13, 2012, and the other charges were nolle prossed on that date.

30. It was the policy, practice and/or custom of Defendants, City, Delaney, and Giorla, to condone the use unjustified, unreasonable, unnecessary, malicious, sadistic, and excessive force against inmates within the Philadelphia Prison System and/or the Curran-Fromhold Correctional Facility.

31. It was the policy, practice, and/or custom of Defendants, City, Delaney, and Giorla, to fail to train correctional officers in proper methods, techniques, procedures and protocols for obtaining compliance restraining inmates in a manner utilizing only justified, reasonable, and necessary force.

32. It was the policy, practice and/or custom of Defendants, City, Delaney, and Giorla, to condone the false arrest and malicious prosecution of prisoners by corrections officers in order to cover up their assault and battery and violations of Fourteenth and Eighth Amendment rights of prisoners.

33. The actions of the defendants constituted various violations of plaintiff's civil rights, assault and battery, and other actionable offenses.

34. As a result of the aforementioned actions and/or inactions of the defendants, plaintiff sustained multiple serious injuries, some or all of which may be permanent, including, but not limited to, injuries to plaintiff's left eye and to the nerves and/or soft tissue structures controlling the movement of the eye, double vision, 4th nerve palsy of the left eye, blurred vision, headaches, left shoulder pain, neck pain, back pain, and severe shock and injury to his nerves and nervous system; mental, psychological and emotional distress, embarrassment, anxiety and humiliation; and other injuries some or all of which

have yet to become manifest and/or be diagnosed. All of the foregoing injuries have

~~rendered plaintiff sick, sore, lame, prostrate, disabled, disfigured, and disordered and~~

have forced him to suffer great mental anguish; embarrassment; humiliation; loss of enjoyment of life's pleasures; and physical and mental injuries, pain, and suffering, all of which may continue for an indefinite time into the future.

35. As a result of the aforesaid actions and inactions of the defendants, plaintiff has been obliged to expend and will continue to expend in the future large sums of money and/or incur debts and liens for medical care and treatment, all to his great financial detriment and loss, which may continue for an indefinite time into the future.

36. As a result of the aforesaid actions and inactions of the defendants, plaintiff has been unable to follow his usual occupation(s) and customary daily duties and other activities and has been caused to suffer a loss of income and earning capacity, all of which may continue for an indefinite time into the future to his great detriment and loss.

37. As a result of the aforesaid actions and inactions of the defendants, the plaintiff was arrested, prosecuted, incarcerated and otherwise was deprived of his liberty and freedom due to the false charges brought against him by Defendants Grundy, Billups, Ortiz, Bynum, Capers, Palmer, Marin, and White.

WHEREFORE, Plaintiff demands judgment against the Defendants, jointly and severally, in amounts not in excess of \$50,000.00 each, together with punitive damages, delay damages, attorney's fees and costs.

**COUNT I**

**PLAINTIFF V. DEFENDANTS JASON GRUNDY, MAJOVIE BILLUPS, DAISY  
ORTIZ, DONOVAN BYNUM, MICHAEL CAPERS, JAMES PALMER III,  
ENRIQUE MARIN, AND CARLOS WHITE  
FOURTEENTH AMENDMENT AND STATUTORY**

**CIVIL RIGHTS VIOLATIONS – USE OF EXCESSIVE FORCE**

38. Plaintiff hereby incorporates by reference all prior paragraphs the same as though set forth herein at length.

39. The actions of Defendants Grundy, Billups, Ortiz, Bynum, Capers, Palmer, Marin, and White violated plaintiff's rights to due process and to be safe from unreasonable, unnecessary, unjustified, willful, wanton, malicious, sadistic, and excessive use of force under the Fourteenth Amendment to the United States Constitution.

40. As stated herein, the actions of Defendants Grundy, Billups, Ortiz, Bynum, Capers, Palmer, Marin, and White were maliciously, intentionally, willfully, wantonly, and sadistically directed towards the plaintiff to cause the plaintiff harm, and without any justification or cause.

41. The defendants violated plaintiff's civil rights under the Fourteenth Amendment and pursuant to 42 U.S.C. Section 1983 in the following:

- (a) Depriving plaintiff of his due process rights and participating in the use of unjustified, unnecessary, unreasonable, malicious, sadistic, and excessive force on the plaintiff;
- (b) Failing to stop the other correctional officer defendants from beating and injuring the plaintiff;
- (c) Willfully, wantonly, maliciously, recklessly, and/or with callous indifference to plaintiff's federally protected rights using an unreasonable, unnecessary, unjustified, malicious, sadistic, and excessive force upon plaintiff;
- (d) Willfully, wantonly, maliciously, recklessly, and/or with callous indifference to plaintiff's federally protected rights failing to obtain necessary medical attention and treatment for plaintiff in a timely fashion;
- (e) Willfully, wantonly, maliciously, recklessly, and/or with callous indifference to plaintiff's federally protected rights preventing plaintiff from receiving necessary medical attention and treatment in a timely fashion;

- (f) Acting with an evil motive or intent to cause the plaintiff harm and/or with a reckless or callous indifference to the plaintiff's federally protected rights.

42. As a direct and proximate result of the actions of Defendants Grundy, Billups, Ortiz, Bynum, Capers, Palmer, Marin, and White and their violations of the plaintiff's civil rights, the plaintiff suffered the physical and mental injuries, indignities, loss of rights and harms which are already described above, and which are incorporated herein by reference.

WHEREFORE, Plaintiff demands judgment against the Defendants, jointly and severally, in amounts not in excess of \$50,000.00 each, together with punitive damages, delay damages, attorney's fees and costs.

#### **COUNT II**

**PLAINTIFF V. DEFENDANTS JASON GRUNDY, MAJOVIE BILLUPS, DAISY  
ORTIZ, DONOVAN BYNUM, MICHAEL CAPERS, JAMES PALMER III,  
ENRIQUE MARIN, AND CARLOS WHITE  
EIGHTH AMENDMENT AND STATUTORY  
CIVIL RIGHTS VIOLATIONS – CRUEL AND UNUSUAL PUNISHMENT**

43. Plaintiff hereby incorporates by reference all prior paragraphs the same as though set forth herein at length.

44. The actions of Defendants Grundy, Billups, Ortiz, Bynum, Capers, Palmer, Marin, and White violated plaintiff's rights to be free from cruel and unusual punishment, and to be safe from unreasonable, unnecessary, unjustified, willful, wanton, malicious, sadistic, and excessive use of force, under the Eighth Amendment to the United States Constitution.

45. As stated herein, the actions of Defendants Grundy, Billups, Ortiz, Bynum, Capers, Palmer, Marin, and White were maliciously, intentionally, willfully, wantonly,

and sadistically directed towards the plaintiff to cause the plaintiff harm, and without any justification or cause.

46. The defendants violated plaintiff's civil rights under the Eighth Amendment and pursuant to 42 U.S.C. Section 1983 in the following:

- (a) Depriving plaintiff of his right to be free from cruel and unusual punishment and participating in the use of unjustified, unnecessary, unreasonable, malicious, sadistic, and excessive force on the plaintiff;
- (b) Failing to stop the other correctional officer defendants from beating and injuring the plaintiff;
- (c) Willfully, wantonly, maliciously, recklessly, and/or with callous indifference to plaintiff's federally protected rights using an unreasonable, unnecessary, unjustified, malicious, sadistic, and excessive force upon plaintiff;
- (d) Willfully, wantonly, maliciously, recklessly, and/or with callous indifference to plaintiff's federally protected rights failing to obtain necessary medical attention and treatment for plaintiff in a timely fashion;
- (e) Willfully, wantonly, maliciously, recklessly, and/or with callous indifference to plaintiff's federally protected rights preventing plaintiff from receiving necessary medical attention and treatment in a timely fashion;
- (f) Acting with an evil motive or intent to cause the plaintiff harm and/or with a reckless or callous indifference to the plaintiff's federally protected rights.

47. As a direct and proximate result of the actions of the defendants and their violations of the plaintiff's civil rights, the plaintiff suffered the physical and mental injuries, indignities, loss of rights and harms which are already described above, and which are incorporated herein by reference.

WHEREFORE, Plaintiff demands judgment against the Defendants, jointly and severally, in amounts not in excess of \$50,000.00 each, together with punitive damages, delay damages, attorney's fees and costs.

**COUNT III**  
**PLAINTIFF V. DEFENDANTS JASON GRUNDY, MAJOVIE BILLUPS, DAISY**  
**ORTIZ, DONOVAN BYNUM, MICHAEL CAPERS, JAMES PALMER III,**  
**ENRIQUE MARIN, AND CARLOS WHITE**  
**ASSAULT AND BATTERY**

48. Plaintiff hereby incorporates by reference all prior allegations the same as though set forth herein at length.

49. Defendants Grundy, Billups, Ortiz, Bynum, Capers, Palmer, Marin, and White recklessly, intentionally, willfully, wantonly, maliciously, sadistically, and unlawfully beat, injured, punched, hit, kicked, verbally abused and/or otherwise assaulted and battered the plaintiff and placed him in fear for his safety as more fully stated hereinbefore.

50. At all relevant and material times hereto, Defendants Grundy, Billups, Ortiz, Bynum, Capers, Palmer, Marin, and White lacked the authority, reason and/or cause to strike, assault, batter, verbally abuse, use excessive force upon and/or otherwise injure the plaintiff.

51. The actions of Defendants Grundy, Billups, Ortiz, Bynum, Capers, Palmer, Marin, and White, as more specifically described above were unlawful, unnecessary and without justification and constituted the use of excessive force and assault and battery.

52. As a direct and proximate result of the actions of Defendants Grundy, Billups, Ortiz, Bynum, Capers, Palmer, Marin, and White, the plaintiff suffered the physical and mental injuries, indignities, loss of rights and harms which are already described above, and which are incorporated herein by reference.

WHEREFORE, Plaintiff demands judgment against the Defendants, jointly and severally, in amounts not in excess of \$50,000.00 each, together with punitive damages, delay damages, and costs.

**COUNT IV**

**PLAINTIFF V. DEFENDANTS JASON GRUNDY, MAJOVIE BILLUPS, DAISY ORTIZ, DONOVAN BYNUM, MICHAEL CAPERS, JAMES PALMER III, ENRIQUE MARIN, AND CARLOS WHITE  
STATE LAW FALSE ARREST AND MALICIOUS PROSECUTION**

53. Plaintiff incorporates by reference the averments of the preceding paragraphs as fully as though same were set forth herein in their entirety.

54. At all times relevant and material hereto, Defendants Grundy, Billups, Ortiz, Bynum, Capers, Palmer, Marin, and White initiated and carried out the arrest and prosecution of the plaintiff despite their knowledge that the charges they initiated and/or brought against the plaintiff were false.

55. In the alternative, at all times relevant and material hereto, the defendants initiated and carried out the arrest and prosecution of the plaintiff with undue haste, on insufficient factual grounds to warrant a prudent person to believe that plaintiff had committed any of the offenses with which he was charged, and with disregard of the factual grounds that demonstrated plaintiff's lack of culpability.

56. At all times relevant and material hereto, Defendants Grundy, Billups, Ortiz, Bynum, Capers, Palmer, Marin, and White acted with malice consisting of ill will toward the plaintiff and/or a reckless and oppressive disregard for plaintiff's rights, and with a motive of covering up and protecting themselves from the potential adverse professional and legal consequences of their assault and battery of the plaintiff and their violations of the plaintiff's Constitutional rights under the Eighth and Fourteenth Amendments.

57. As a direct and proximate result of the false arrest and malicious prosecution of the plaintiff by Defendants Grundy, Billups, Ortiz, Bynum, Capers, Palmer, Marin, and White, the plaintiff was arrested, prosecuted, incarcerated and otherwise was deprived of his liberty and freedom.

58. As a direct and proximate result of the false arrest and malicious prosecution of the plaintiff by Defendants Grundy, Billups, Ortiz, Bynum, Capers, Palmer, Marin, and White, the plaintiff sustained emotional distress, psychological injury, and shock and injury to his nerves and nervous system.

59. As a direct and proximate result of the false arrest and malicious prosecution of the plaintiff by Defendants Grundy, Billups, Ortiz, Bynum, Capers, Palmer, Marin, and White, the plaintiff suffered great mental anguish; embarrassment; humiliation; loss of enjoyment of life's pleasures; and physical and mental injuries, pain, and suffering, all of which may continue for an indefinite time into the future.

60. As a direct and proximate result of the false arrest and malicious prosecution of the plaintiff by Defendants Grundy, Billups, Ortiz, Bynum, Capers, Palmer, Marin, and White, plaintiff has been unable to follow his usual occupation and customary daily duties and other activities and has been caused to suffer a loss of income and earning capacity, all of which may continue for an indefinite time into the future to his great detriment and loss.

61. As a direct and proximate result of the false arrest and malicious prosecution of the plaintiff by Defendants Grundy, Billups, Ortiz, Bynum, Capers, Palmer, Marin, and White, plaintiff has been obliged to expend and will continue to expend in the future large sums of money and/or incur debts and liens for medical care and treatment, all to his



great financial detriment and loss, which may continue for an indefinite time into the future.

62. As a direct and proximate result of the false arrest and malicious prosecution of the plaintiff by Defendants Grundy, Billups, Ortiz, Bynum, Capers, Palmer, Marin, and White, the plaintiff sustained a loss of earnings, diminution of his earning capacity, and other economic damages.

WHEREFORE, Plaintiff demands judgment against the Defendants, jointly and severally, in amounts not in excess of \$50,000.00 each, together with punitive damages, delay damages, and costs.

**COUNT V**  
**PLAINTIFF V. DEFENDANTS JASON GRUNDY, MAJOVIE BILLUPS, DAISY**  
**ORTIZ, DONOVAN BYNUM, MICHAEL CAPERS, JAMES PALMER III,**  
**ENRIQUE MARIN, AND CARLOS WHITE**  
**42 U.S.C. §§ 1983 AND FOURTH AND FOURTEENTH**  
**AMENDMENT VIOLATIONS - FALSE ARREST AND MALICIOUS**  
**PROSECUTION**

63. Plaintiff incorporates by reference the averments of the preceding paragraphs as fully as though same were set forth herein in their entirety.

64. The aforesaid actions of Defendants Grundy, Billups, Ortiz, Bynum, Capers, Palmer, Marin, and White deprived plaintiff of his rights, privileges and immunities under the United States Constitution, particularly his Fourth Amendment right to be free from unreasonable seizure in the form of false arrest and his Fourteenth Amendment rights to procedural due process and to be free from malicious prosecution, which are actionable pursuant to 42 U.S.C. § 1983.

65. As a direct and proximate result of the violation of plaintiff's rights under the Fourth and Fourteenth Amendments to the Constitution of the United States and 42 U.S.C.

§ 1983 by Defendants Grundy, Billups, Ortiz, Bynum, Capers, Palmer, Marin, and White, the plaintiff was arrested, prosecuted, incarcerated and otherwise was deprived of his liberty and freedom.

66. As a direct and proximate result of the violation of plaintiff's rights under the Fourth and Fourteenth Amendments to the Constitution of the United States and 42 U.S.C. § 1983 by Defendants Grundy, Billups, Ortiz, Bynum, Capers, Palmer, Marin, and White, the plaintiff sustained emotional distress, psychological injury, and shock and injury to his nerves and nervous system.

67. As a direct and proximate result of the violation of plaintiff's rights under the Fourth and Fourteenth Amendments to the Constitution of the United States and 42 U.S.C. § 1983 by Defendants Grundy, Billups, Ortiz, Bynum, Capers, Palmer, Marin, and White, the plaintiff suffered great mental anguish; embarrassment; humiliation; loss of enjoyment of life's pleasures; and physical and mental injuries, pain, and suffering, all of which may continue for an indefinite time into the future.

68. As a direct and proximate result of the violation of plaintiff's rights under the Fourth and Fourteenth Amendments to the Constitution of the United States and 42 U.S.C. § 1983 by Defendants Grundy, Billups, Ortiz, Bynum, Capers, Palmer, Marin, and White, plaintiff has been obliged to expend and will continue to expend in the future large sums of money and/or incur debts and liens for medical care and treatment, all to his great financial detriment and loss, which may continue for an indefinite time into the future.

69. As a direct and proximate result of the violation of plaintiff's rights under the Fourth and Fourteenth Amendments to the Constitution of the United States and 42 U.S.C. § 1983 by Defendants Grundy, Billups, Ortiz, Bynum, Capers, Palmer, Marin, and White,

plaintiff has been unable to follow his usual occupation and customary daily duties and other activities and has been caused to suffer a loss of income and earning capacity, all of which may continue for an indefinite time into the future to his great detriment and loss.

70. As a direct and proximate result of the violation of plaintiff's rights under the Fourth and Fourteenth Amendments to the Constitution of the United States and 42 U.S.C. § 1983 by Defendants Grundy, Billups, Ortiz, Bynum, Capers, Palmer, Marin, and White, the plaintiff sustained a loss of earnings, diminution of his earning capacity, and other economic damages.

WHEREFORE, Plaintiff demands judgment against the Defendants, jointly and severally, in amounts not in excess of \$50,000.00 each, together with punitive damages, delay damages, attorney's fees and costs.

**COUNT VI**  
**PLAINTIFF V. DEFENDANTS CITY OF PHILADELPHIA, JOHN P.**  
**DELANEY AND LOUIS GIORLA**  
**- 42 U.S.C. §§ 1983 AND FOURTH AND FOURTEENTH**  
**AMENDMENT VIOLATIONS - MONELL CLAIM**

71. Plaintiff incorporates by reference the averments of the preceding paragraphs as fully as though same were set forth herein in their entirety.

72. As aforesaid, it was the policy, practice and/or custom of Defendants, City, Delaney, and Giorla, to condone the use unjustified, unreasonable, unnecessary, malicious, sadistic, and excessive force against inmates within the Philadelphia Prison System and/or the Curran-Fromhold Correctional Facility.

73. It was the policy, practice, and/or custom of Defendants, City, Delaney, and Giorla, to fail to train correctional officers in proper methods, techniques, procedures and

protocols for obtaining compliance and restraining inmates in a manner utilizing only justified, reasonable, and necessary force.

74. It was the policy, practice and/or custom of Defendants, City, Delaney, and Giorla, to condone the false arrest and malicious prosecution of prisoners by corrections officers in order to cover up their assault and battery and violations of Fourteenth and Eighth Amendment rights of prisoners.

75. The aforesaid policies, practices and/or customs of Defendants City, Delaney, and Giorla directly and proximately caused the aforesaid violations of plaintiff's Fourteenth and Eighth Amendment rights to be free from unreasonable, unnecessary, unjustified, willful, wanton, malicious, sadistic, and excessive use of force; cruel and unusual punishment; false arrest; and malicious prosecution of the plaintiff by the other defendants herein.

76. The aforesaid policies, practices and/or customs of Defendants City, Delaney, and Giorla directly and proximately caused the plaintiff to sustain the injuries, losses of freedom and liberty, and other losses and damages set forth herein above.

WHEREFORE, Plaintiff demands judgment against the Defendants, jointly and severally, in amounts not in excess of \$50,000.00 each, together with punitive damages, delay damages, attorney's fees and costs.

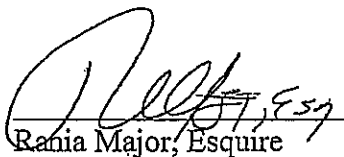
Respectfully submitted,

/s/ Rania Major, Esquire

Rania Major, Esquire  
Attorney for Plaintiff

VERIFICATION

I, Rania Major, verify that I am the plaintiff's attorney herein and that I am authorized to verify that the statements made in the attached pleading are true and correct to the best of my information, knowledge and belief. I understand that false statements herein are made subject to the penalties of 18 Pa. C.S. Section 4904, relating to unsworn falsification to authorities.

  
Rania Major, Esquire

Date: 12/17/13

## UNITED STATES DISTRICT COURT

**FOR THE EASTERN DISTRICT OF PENNSYLVANIA – DESIGNATION FORM** to be used by counsel to indicate the category of the case for the purpose of assignment to appropriate calendar.

Address of Plaintiff: SCI Dallas, 1000 Follies Road, Dallas, PA 18612

Address of Defendant: Law Department, 1515 Arch Street, 14<sup>th</sup> Floor, Philadelphia, PA 19102

Place of Accident, Incident or Transaction: Philadelphia, PA  
(Use Reverse Side For Additional Space)

Does this civil action involve a nongovernmental corporate party with any parent corporation and any publicly held corporation owning 10% or more of its stock?  
(Attach two copies of the Disclosure Statement Form in accordance with Fed.R.Civ.P. 7.1(a)). Yes ☐ No ☒

Does this case involve multidistrict litigation possibilities? Yes ☐ No ☒  
*RELATED CASE IF ANY:*

Case Number: \_\_\_\_\_ Judge \_\_\_\_\_ Date Terminated: \_\_\_\_\_

Civil cases are deemed related when yes is answered to any of the following questions:

1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court?  
Yes ☐ No ☒
2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court?  
Yes ☐ No ☒
3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action in this court?  
Yes ☐ No ☒

**CIVIL:** (Place in ONE CATEGORY ONLY)

**A. Federal Question Cases:**

1. ☐ Indemnity Contract, Marine Contract, and All
2. ☐ FELA
3. ☐ Jones Act – Personal Injury
4. ☐ Antitrust
5. ☐ Patent
6. ☐ Labor-Management Relations
7. ☒ Civil Rights
8. ☐ Habeas Corpus
9. ☐ Securities Act(s) Cases
10. ☐ Social Security Review Cases
11. ☐ All Other Federal Questions Cases (Please specify)

**B. Diversity Jurisdiction Cases:**

- Other Contracts
1. ☐ Insurance Contract and Other Contracts
  2. ☐ Airplane Personal Injury
  3. ☐ Assault, Defamation
  4. ☐ Marine Personal Injury
  5. ☐ Motor Vehicle personal Injury
  6. ☐ Other Personal Injury (Please specify)
  7. ☐ Products Liability
  8. ☐ Products liability - Asbestos
  9. ☐ All other Diversity Cases  
(Please specify)

**ARBITRATION CERTIFICATION**

(Check appropriate Category)

I, Dimitrios Mavroudis, counsel of record do hereby certify:

- ☐ Pursuant to Local Rule 53.3 A, civil rights cases are excluded from arbitration.
- ☐ Pursuant to Local Civil Rule 53.2, Section 3(c)(2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs;
- ☐ Relief other than monetary damages is sought.

DATE: 1/9/14 Dimitrios Mavroudis 93773  
Attorney-at-Law Attorney I.D. #

**NOTE:** A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

I certify that, to my knowledge, the within case is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: 1/9/14 Dimitrios Mavroudis, Esquire 93773  
CIV. 609 (4/03) Attorney-at-Law Attorney I.D. #

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**Jermaine Moore**

**Civil Action**

**v.**

**City of Phila., John P. Delaney,  
Louis Giorla, Jason Grundy,  
Majovie Billups, Daisy Ortiz  
Donovan Bynum, Michael Capers,  
James Palmer, III, Enrique Marin & Carlos White**

**No.**

**CASE MANAGEMENT TRACK DESIGNATION FORM**

In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a Case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a case management track designation form specifying the track to which that defendant believes the case should be assigned.

**SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:**

- (a) Habeas Corpus -- Cases brought under 28 U.S.C. §2241 through § 2255. ( )
- (b) Social Security -- Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits. ( )
- (c) Arbitration -- Cases required to be designated for arbitration under Local Civil Rule 53.2. ( )
- (d) Asbestos -- Cases involving claims for personal injury or property damage from exposure to asbestos. ( )
- (e) Special Management -- Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases.) ( )
- (f) Standard Management -- Cases that do not fall into any one of the other tracks. ( **X** )

**Dimitrios Mavroudis, Esquire**

1/9/14  
Date

Attorney-at-law

City of Philadelphia, et al  
Attorney for

(215) 683-5444

(215) 683-5397

dimitrios.mavroudis@phila.gov

Telephone

FAX Number

E-mail Address